

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

| | | |
|---------------------------------|---|-----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | No. 3:05-00185 |
| |) | Judge Trauger |
| TIMOTHY RYAN RICHARDS |) | |

**MOTION TO BE RELIEVED OF OTHER AND FURTHER RESPONSIBILITY
UNDER THE AGREED PROTECTIVE ORDER**

COMES NOW the Defendant, **Timothy Ryan Richards**, by and through his undersigned counsel, hereby moves this Honorable Court to enter an Order relieving the defense team from other and further responsibility under the Agreed Protective Order entered in this case on April 17, 2006. In further support of this Motion, defense counsel states as follows:

1. When the Court granted the defense's Motion to Compel the production of hard drive evidence relating to the servers in this case, the parties agreed to negotiate and submit for entry an Agreed Protective Order directing the handling of those materials. The parties proposed and the Court entered the Agreed Protective Order on April 17, 2006. (Docket Entry 69). Among other requirements, the Order directs:

7. Within 30 days of termination of this matter (including the termination of any appeal and regardless of the outcome of the case), the defense team shall return (or cause the return of) the materials to the Assistant United States Attorney assigned to this case so that the materials may be destroyed. The government shall erase the hard drives previously provided by the defense team and shall destroy the above mentioned backup copies. Upon return of the materials, the defense team shall certify to the Court via an Affidavit filed by counsel of record that, to the best of his or her knowledge and belief, all requirements set forth in the provisions of this Order have been

satisfied.

Docket Entry 69.

2. The direct appeal was concluded on June 4, 2012 with the denial of Mr. Richards' Petition for Writ of Certiorari. Today, on June 15, 2012, undersigned counsel personally returned to the government all of the hard drive evidence covered by the Agreed Protective Order. Attached hereto as **Exhibit A** is undersigned counsel's Affidavit declaring compliance with the Agreed Protective Order.

3. Based on the defense teams complete compliance with the Agreed Protective Order and return of the hard drive evidence to the government, the defense team respectfully requests that it be relieved of any other and further responsibility under the Agreed Protective Order.

WHEREFORE, Defendant Richards respectfully requests that his Motion be granted.

Respectfully submitted,

HODDE & ASSOCIATES

33 Music Square West

Suite 100-B

Nashville, TN 37203

(615) 242-4200

BY: s/ Kimberly S. Hodde
KIMBERLY S. HODDE
Attorney for Defendant Richards

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent via the Court's electronic filing system, *or*, if not registered, sent via U.S. Mail, postage prepaid, to:

S. Carran Daughtrey
Assistant United States Attorney
110 Ninth Avenue South
Suite A961
Nashville, TN 37203

this 15th day of June, 2012.

/s Kimberly S. Hodde
KIMBERLY S. HODDE